

AMENDED IN ASSEMBLY APRIL 22, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1287

Introduced by Assembly Member Lieber

February 21, 2003

An act to add Section 798.74.5 to the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1287, as amended, Lieber. Mobilehome parks information for prospective tenants.

Existing law, the Mobilehome Residency Law, governs tenancies and residency in mobilehome parks. Among other things, the law authorizes the management to require the right of prior approval of a purchaser of a mobilehome that will remain in the park.

This bill would, *beginning July 1, 2004*, require the park management to provide prospective homeowners with ~~a current copy of the Mobilehome Residency Law, a copy of the park rules and regulations,~~ and a separate document containing specified information.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.74.5 is added to the Civil Code, to
2 read:

~~798.74.5. When the park management gives a prospective~~

798.74.5. (a) When the park management gives a prospective homeowner an application for residency for a specific space within a mobilehome park which the management has been advised is for sale, the park management shall give the prospective homeowner a separate document in at least 12-point type entitled "INFORMATION FOR PROSPECTIVE HOMEOWNERS," which includes the following statements:

"As a prospective homeowner you are being provided with certain information you should know prior to applying for tenancy in a mobilehome park. This is not meant to be a complete list of information.

Homeownership in a mobilehome park incorporates the dual role of "homeowner" (the owner of the home) and park resident or tenant (called a "homeowner" under the Mobilehome Residency Law). As a homeowner you will be responsible paying the amount necessary to rent the space for your home, in addition to other fees and charges described below. You must also follow certain rules and regulations to reside in the park.

If you are approved for tenancy, and your tenancy commences within the next 30 days, your beginning monthly rent will be \$_____ (must be completed by the management) for space number _____ (must be completed by the management).

In addition to the monthly rent, you will be obligated to pay the following additional fees and charges:

(Management shall describe the fee or charge, and the amount of each fee or charge)

Some spaces are governed by an ordinance, rule, regulation, or initiative measure that limits or restricts rents in mobilehome parks. Long-term leases specify rent increases during the term of the lease. By signing a rental agreement or lease for a term of more than one year, you may be removing your rental space from a local

1 *rent control ordinance during the term, or any extension, of the*
2 *lease if a local rent control ordinance is in effect for the area in*
3 *which the space is located.*

4
5 *A fully executed lease or rental agreement, or a statement signed*
6 *by the park's management and by you stating that you and the*
7 *management have agreed to the terms and conditions of a rental*
8 *agreement is required to complete the sale or escrow process of the*
9 *home. You have no rights to tenancy without a properly executed*
10 *lease or agreement, or that statement. (Civil Code Section 798.75)*

11
12 *If the management collects a fee or charge from you in order to*
13 *obtain a financial report or credit rating, the full amount of the fee*
14 *or charge will be either credited toward your first month's rent or,*
15 *if you are rejected for any reason, refunded to you. However, if you*
16 *are approved by management, but, for whatever reason, you elect*
17 *not to purchase the mobilehome, the management may retain the*
18 *fee to defray its administrative costs. (Civil Code Section 798.74)*

19
20 *We encourage you to request from management a copy of the lease*
21 *or rental agreement, the park's rules and regulation, and a copy of*
22 *the Mobilehome Residency Law. Upon request, park management*
23 *will provide you a copy of each document. We urge you to read*
24 *these documents before making the decision that you want to*
25 *become a mobilehome park resident.*

26
27
28 *Dated: _____*

29 *Signature of Park Manager: _____*

30 *Acknowledge Receipt by Prospective Homeowner: _____ "*

31
32 *(b) This section shall take effect on July 1, 2004.*

33 ~~homeowner an application for tenancy in the park, or a list of the~~
34 ~~information which management requires in order to consider the~~
35 ~~prospective homeowner's application for tenancy in the park, the~~
36 ~~management shall at the same time give to that prospective~~
37 ~~homeowner all of the following:~~

38 ~~(a) A copy of the current Mobilehome Residency Law, Section~~
39 ~~798 and following of the Civil Code.~~

40 ~~(b) A copy of the park rules and regulations.~~

~~(c) A separate document in at least 12-point boldface type entitled “INFORMATION FOR PROSPECTIVE MOBILEHOME OWNERS,” and which includes the following statements:~~

~~—(1) The mobilehome tenancy for which you are applying~~

~~— ☐ IS~~

~~— ☐ IS NOT~~

~~protected by a local rent control ordinance.~~

~~— (Management shall mark the applicable box above with a “check-mark”)~~

~~—(2) By signing a rental agreement or lease for a term of more than one year, you may be removing your rental space from the protections of a local rent control ordinance, if one exists, or from a local rent control ordinance adopted in the future.~~

~~—(3) If management collects a fee or charge from you in order to obtain a financial report or credit rating, the full amount of the fee or charge shall be credited toward payment of the first month’s rent of your tenancy. If, for whatever reason, your application is rejected by the management, management shall refund to you the full amount of that fee or charge within 30 days from the date of rejection. If you are approved by management, but for whatever reason, you elect not to commence your tenancy, management may retain the fee to defray its administrative costs.~~

~~—(4) If you are approved for tenancy, and your tenancy commences within the next 60 days, your beginning monthly rent will be \$_____ (must be completed by management)~~

~~—(5) In addition to monthly rent, you will be obligated to pay the following other fees and charges:~~

~~(Management shall describe the fee or charge, and the amount of each fee or charge)~~

1 ~~-(6) You are being given a copy of the Mobilehome Residency Law,~~
2 ~~Section 798 and following of the Civil Code, which describes in~~
3 ~~detail your rights and responsibilities if you commence a tenancy in~~
4 ~~the mobilehome park. It also states the rights and responsibilities of~~
5 ~~park management. You should review the Mobilehome Residency~~
6 ~~Law carefully, and seek legal advice if you have questions about how~~
7 ~~these laws will affect you as a mobilehome owner.~~

8
9 Dated: _____

10 Signature of Park Manager: _____

11

O